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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,761	04/13/2004	Zhiqing Zhang	4533-0108PUS1	4958

2292 7590 03/13/2006

BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

EXAMINER

ASHEN, JON BENJAMIN

ART UNIT PAPER NUMBER

1635

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER

030706

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 1/10/2006 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant was required, for the reasons of record as set forth in the Action mailed 11/10/2005, to elect a single nucleotide sequence that would be examined as the subject matter of the instant invention. Applicant has traversed the requirement and presented arguments which assert that the nucleotide sequences (SEQ ID NO: 1-28) presented in the claims of the instant application all share a common feature, that is all have human TNF-a inhibiting activity and all have similar secondary structures that are stem loop secondary structures. However, Applicant's attention is drawn to pg. 5 of the abovementioned Action which sets forth that to the claimed compounds must share a common utility and a common structural feature that is disclosed as being essential to that utility. The common structural feature of having a "similar secondary structure" as argued by Applicant is not such a disclosed essential feature. Additionally, as set forth in the abovementioned action, "Although the aptamer sequences claimed each target and modulate expression of TNF-d, the instant aptamer sequences are considered to be unrelated, since each aptamer sequence claimed is structurally and functionally independent and distinct for the following reasons: each aptamer sequence has a unique nucleotide sequence, each aptamer sequence targets a different and specific region of TNF-a, and absent evidence to the contrary, each aptamer, upon binding to TNF-a, is expected to functionally modulate (increase or decrease) the binding of TNF-a to varying degrees. Applicant's arguments that it would not be an undue burden to search more than one of the nucleotide sequences instantly claimed is also not persuasive for the reasons of record. Applicant's attention is drawn to pgs. 5-6 of the abovementioned action which sets forth the search burden and requires election of a single sequence of the invention (pg. 6, 3rd full paragraph).

It is reiterated here that in order to be fully responsive to this Action, Applicant is required to elect a single nucleotide sequence for examination on the merits, as set forth in the abovementioned Action. See 37 CFR 1.111.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon B. Ashen whose telephone number is 571-272-2913. The examiner can normally be reached on 7:30 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Andrew Wang can be reached on 571-272-0811. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance.

Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public. For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Jba

*Jane Zara*  
+C1600

JANE ZARA, PH.D.  
PRIMARY EXAMINER